



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/682,678	10/04/2001	Jean-Charles Gonthier	P14708US1	8969

27902 7590 03/07/2005  
ERICSSON RESEARCH CANADA  
8400 DECARIE BLVD.  
MONTREAL, QC H4P 2N2  
CANADA

EXAMINER
----------

BATES, KEVIN T

ART UNIT	PAPER NUMBER
----------	--------------

2155

DATE MAILED: 03/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/682,678	GONTHIER ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Kevin Bates	2155	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 04 October 2001.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-47 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-47 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |                                                                                                    |                                                                             |
|----------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____                                                |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>3/24/2004</u> .                                                           | 6) <input type="checkbox"/> Other: _____                                    |

### **DETAILED ACTION**

This Office Action is in response to a communication made on October 4, 2001.

The Declaration was received on December 14, 2001.

The Information Disclosure Statement was received on March 24, 2004.

Claims 1-47 are pending in this application.

### ***Claim Rejections - 35 USC § 102***

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**Claims 1-2, 5-8, 17-18, 21-24, 33, 35-37, 39, and 42-47 are rejected under 35**

**U.S.C. 102(e) as being anticipated by Ciarlante (6594819).**

Regarding claims 1 and 17, Ciarlante discloses a method for software deployment in a data communications network (Column 2, lines 18 – 25) that comprises an Initiator having an address (Column 3, line 67 – Column 4, line 4), a Service Provider (Column 3, lines 53 – 57), and at least one Peer having an address (Column 4, lines 44 – 46), the method comprising the steps of: sending a service request comprising the address of the at least one Peer from the Initiator to the Service Provider (Column 4, lines 38 – 50); sending an invitation for the service from the Service Provider to the at least one Peer (Column 4, lines 51 – 53); if the at least one Peer accepts the service, sending an accept service message from the at least one Peer to the Service Provider (Column 4, lines 53 – 55); building by the Service Provider the software for the service; distributing by the Service Provider the software to the

Art Unit: 2155

Initiator and the Peer; installing the software by the Initiator; installing the software by the at least one Peer; and initiating the service (Column 8, lines 26 – 41).

Regarding claim 33, Ciarlante discloses an Initiator of software deployment in a data communications network (Column 3, line 67 – Column 4, line 4) that further comprises a Service Provider (Column 3, lines 53 – 57), and at least one Peer having an address (Column 4, lines 44 – 46), the Initiator comprising: a communication unit that: sends a service request comprising the address of the at least one Peer to the Service Provider (Column 4, lines 38 – 50); and receives the software for the service from the Service Provider; and a processing unit that: installs the software (Column 8, lines 26 – 41).

Regarding claim 39, Ciarlante discloses a Peer in software deployment in a data communications network (Column 4, lines 44 – 46) that further comprises an Initiator (Column 3, line 67 – Column 4, line 4) and a Service Provider (Column 3, lines 53 – 57), wherein the Peer comprises: a communication unit that: receives an invitation from the Service Provider (Column 4, lines 51 – 53); sends an accept service message to the Service Provider (Column 4, lines 53 – 55); and receives software from the Service Provider; and a processing unit that: installs the software (Column 8, lines 26 – 41).

Regarding claim 42, Ciarlante discloses a Service Provider for software deployment in a data communications network (Column 3, lines 53 – 57), the network further comprising an Initiator (Column 3, line 67 – Column 4, line 4) and at least one Peer having an address (Column 4, lines 44 – 46), the Service Provider comprising: a communication unit that: receives a service request comprising the address of the at

Art Unit: 2155

least one Peer from the Initiator (Column 4, lines 44 – 46); sends an invitation to the at least one Peer (Column 4, lines 51 – 53); receives an accept service message from the at least one Peer (Column 4, lines 51 – 53); and distributes the software to the Initiator and the at least one Peer; and a processing unit that: builds the software for the service (Column 8, lines 26 – 41).

Regarding claims 2, 18, and 43, Ciarlante discloses that prior to the step of sending an invitation from the Service Provider to the at least one Peer, the step of registering by the Service Provider the service request (Column 3, line 65 – Column 4, line 4).

Regarding claims 5, 21, 35, and 44, Ciarlante discloses the steps of: selecting by the Initiator a service; sending an interface request relating to the selected service from the Initiator to the Service Provider; sending the requested interface from the Service Provider to the Initiator; and preparing by the Initiator a service request using the interface (Column 3, lines 60 – 64).

Regarding claims 6, 22, and 45, Ciarlante discloses the step of authenticating by the Service Provider the interface request (Column 4, lines 4 – 9).

Regarding claims 7, 23, 36, and 46, Ciarlante discloses the steps of: terminating the service; and sending a final accounting message from the Initiator to the Service Provider (Column 4, lines 51 – 62).

Regarding claims 8, 24, 37, and 47, Ciarlante discloses the step of sending at least one interim accounting message from the Initiator to the Service Provider (Column 4, lines 51 – 62).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 3-4, 9-10, 19-20, 25-26, 34, 38, and 40-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ciarlante in view of Cheng (6151643).**

Regarding claims 3, 19, and 34, Ciarlante does not explicitly indicate the step of authenticating the software by the Initiator. Cheng discloses a system for installing software on a computer system or many computer systems that includes the teaching of authenticating the software (Column 4, lines 1 – 6). It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Cheng's teaching and having the computer system authenticate the software in order to protect from corruption and computer viruses (Column 4, lines 1 – 6).

Regarding claims 4, 20, and 40, Ciarlante does not explicitly indicate the step of authenticating the software by the at least one Peer. Cheng discloses a system for installing software on a computer system or many computer systems that includes the teaching of authenticating the software (Column 4, lines 1 – 6). It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Cheng's teaching and having the computer system authenticate the software in order to protect from corruption and computer viruses (Column 4, lines 1 – 6).

Regarding claims 9, 25, and 38, Ciarlante does not explicitly indicate the step of removing by the Initiator the software. Cheng discloses a system for installing software on a computer system or many computer systems that includes allowing the user to remove the installed software if so desired (Column 5, lines 16 – 17). It would have been obvious to one of ordinary skill in the art at the time the invention was made to allow the user to remove installed software on their system in Ciarlante's system in order to "undo" the changes to the system in case of undesired results or if the software is no longer necessary (Column 3, lines 58 – 63).

Regarding claims 10, 26, and 41, Ciarlante does not explicitly indicate the step of removing by the Peer the software. Cheng discloses a system for installing software on a computer system or many computer systems that includes allowing the user to remove the installed software if so desired (Column 5, lines 16 – 17). It would have been obvious to one of ordinary skill in the art at the time the invention was made to allow the user to remove installed software on their system in Ciarlante's system in order to "undo" the changes to the system in case of undesired results or if the software is no longer necessary (Column 3, lines 58 – 63).

**Claims 11-16 and 27-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ciarlante in view of Saito (6275941).**

Regarding claims 11 and 27, Ciarlante discloses that the interface request comprises: the address of the Initiator (Column 7, line 44); a unique identifier for the interface request (Column 7, lines 43 – 45); an indication of the requested service (Column 4, lines 42 – 44), but does not indicate a random number to be used for

authentication; and an electronic signature that authenticates the Initiator to the Service Provider. Saito discloses an improved way of authenticating a user in service provider that includes using a random number (Column 16, lines 13 – 20) and an electronic signature (Column 5, lines 21 – 24). It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Saito's teaching of improved security management in Ciarlante's system in order to have the improved security of a electronic certificate or signature, while maintaining a user id and password configuration (Column 1, lines 41 – 53).

Regarding claims 13 and 29, the combination of Ciarlante and Saito discloses that the interface comprises: the unique identifier from the Interface Request (Ciarlante, Column 7, lines 43 – 45); the requested service interface (Ciarlante, Column 4, lines 42 – 44); a random value (Saito, Column 16, lines 13 – 20); a key (Saito, Column 3, lines 38 – 52); an electronic signature that authenticates the Service Provider to the Initiator (Saito, Column 5, lines 21 – 24).

Regarding claims 14 and 30, the combination of Ciarlante and Saito discloses that the service request comprises: the unique identifier in the interface request (Ciarlante, Column 7, lines 43 – 45); a unique identifier for the service request (Ciarlante, Column 7, lines 43 – 45); an identification of the requested service (Ciarlante, Column 4, lines 40 – 44); an electronic signature that authenticates the Initiator to the Service Provider (Saito, Column 5, lines 21 – 24); and a list of at least one Peer, for each Peer comprising: the address of the Peer (Column 9, lines 31 – 36); a notification describing the service (Ciarlante, Column 8, lines 35 – 41); an identifier of



the Initiator; the key from the interface; and an electronic signature that authenticates the Initiator (Column 9, lines 36 – 49).

Regarding claims 16 and 32, the combination of Ciarlante and Saito discloses the invitation comprises: a unique identifier for the invitation (Ciarlante, Column 7, lines 43 – 45); the identification of the offered service with the configuration options (Ciarlante, Column 4, lines 25 – 36); an interface; the address of the Initiator; the identifier of the Initiator (Ciarlante, Column 7, lines 43 – 45); information about who the Initiator is and what the service is (Ciarlante, Column 7, lines 43 – 50); the key from the interface (Saito, Column 3, lines 38 – 52); and an electronic signature authenticating the Initiator to the at least one Peer (Saito, Column 5, lines 21 – 24).

Regarding claims 12 and 28, Ciarlante discloses that the indication of the requested service comprises options relevant for the presentation of the requested service (Column 8, lines 35 – 41).

Regarding claims 15 and 31, Ciarlante discloses that the identification of the requested service comprises configuration options (Column 4, lines 25 – 36).

### ***Prior Art***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U. S. Patent No. 6202206 issued to Dean, because it discloses simultaneous installation of software.

U. S. Patent No. 6564261 issued to Gudjonsson, because it discloses peers accepting service invites and installing software plug-ins.

U. S. Patent No. 5835911 issued to Nakagawa, because it discloses the deployment of software and user authentication.

U. S. Patent No. 6212557 issued to Oran, because it discloses installing software on distributed devices.

U. S. Patent No. 5535276 issued to Ganesan, because discloses using digital signatures, security keys, and random numbers to authenticate users.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin Bates whose telephone number is (571) 272-3980. The examiner can normally be reached on 8 am - 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain Alam can be reached on (571) 272-3978. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

KB

KB



HOSAIN ALAM  
SUPERVISOR/PATENT EXAMINER

Application/Control Number: 09/682,678  
Art Unit: 2155

Page 10

March 2, 2005